



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART I

#### EGGS

##### *Preliminary*

### **1 Interpretation of Part I**

In this Part of this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

" accounting period " means—

- (a) the period beginning with 28th March 1971 and ending with 1st April 1972;
- (b) any subsequent period appointed by the Authority as an accounting period, being a period of such duration not exceeding fifteen months as may be so appointed beginning with 2nd April 1972 or with the date thereafter of the day after that with which the last preceding accounting period ends ;

" authorised officer ", in relation to any function, means an officer of the Authority authorised by the Authority to act in connection with that function and, in relation to Northern Ireland, except when qualified by the words " of the Authority ", includes an officer of the Ministry of Agriculture for Northern Ireland acting in connection with that function with the authority of that Ministry on behalf of the Authority, being in either case an officer with written evidence of his authority which he shall produce on request at any time while acting thereunder;

" the Authority " means the Eggs Authority constituted under section 2 of this Act;

" egg products " means any product which is obtained to any substantial extent, with or without any process of manufacture, from eggs, being, except when qualified by the word " imported ", a product so obtained in the United Kingdom from eggs laid in the United Kingdom;

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" eggs " means eggs in shell laid by domestic fowls, being, except when qualified by the word " imported ", eggs so laid in the United Kingdom;

" independent member of the Authority " means a member of the Authority appointed by virtue of section 2(2)(a) of this Act;

" marketing ", in relation to eggs or egg products, does not include the sale by retail of eggs or egg products purchased by the seller for the purpose of such sale;

" the Minister " means the Minister of Agriculture, Fisheries and Food;

" the Ministers ", except in section 25 of this Act, means the Minister, the Secretary of State for Wales, the Secretary of State for Scotland and the Secretary of State concerned with agriculture in Northern Ireland and, in the case of anything falling to be done by the Ministers, means those Ministers acting jointly;

" producer " means a person engaged by way of business in the production of eggs.

### *Constitution and functions of Eggs Authority*

## **2 Constitution of Eggs Authority**

- (1) There shall be established an Authority, to be called the Eggs Authority, who shall have the general duty of improving the marketing of eggs and who shall, for the purposes of any period falling after 27th March 1971, in particular have the functions assigned to them by or under this Part of this Act.
- (2) The Authority shall consist of not less than twelve and not more than fourteen members appointed by the Ministers; and of those members—
  - (a) not less than three and not more than five shall be appointed as being independent persons, of whom—
    - (i) one shall be appointed as being a person who in the opinion of the Ministers is specially conversant with the interests of consumers of eggs;
    - (ii) two (neither being the member appointed pursuant to subparagraph (i) of this paragraph) shall also be appointed by the Ministers to be chairman and deputy chairman respectively of the Authority;
  - (b) five shall be appointed after consultation with such organisations appearing to the Ministers to represent the interests of producers as the Ministers consider appropriate;
  - (c) four shall be appointed after consultation with such organisations as the Ministers consider appropriate, being organisations appearing to the Ministers to represent the interests of persons engaged in activities comprised in the marketing, distribution or sale by retail of eggs, in activities ancillary to the production of eggs, being activities comprised in the hatching or rearing of domestic fowls, or in activities comprised in the production, marketing or distribution of egg products, or the use of egg products as materials for the purposes of manufacturing businesses carried on by the persons in question.
- (3) The Authority shall—

- (a) pay to the members of the Authority such remuneration and such travelling or other allowances as the Ministers may, with the approval of the Minister for the Civil Service, determine; and
- (b) in the case of any member of the Authority to whom the Ministers, with the like approval, determine that this paragraph is to apply, pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the Ministers and the Minister for the Civil Service may determine in his case.

(4) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority.

### **3 Functions of Authority as to market support**

If in the case of any accounting period it appears to the Authority to be expedient in the interests of producers and consumers of eggs so to do with a view to reducing fluctuations in the price of eggs—

- (a) they may at any time during that accounting period purchase eggs at such prices and in such manner as they think fit; and
- (b) where they have so purchased any eggs, they may deal with those eggs in such manner as they think fit, and, without prejudice to the generality of their discretion as to the manner of dealing with those eggs, may in particular—
  - (i) sell them to any person for any purpose ;
  - (ii) process them, or arrange for their processing by some other person on the Authority's behalf, and sell the resulting egg products ;
  - (iii) make such provision for their storage or transport, whether by the Authority themselves or by some other person on the Authority's behalf, as the Authority consider necessary or expedient.

### **4 Functions of Authority as to market intelligence**

(1) The Authority may—

- (a) collect, collate or prepare information or estimates with respect to—
  - (i) prices, supply, demand and other market conditions (whether actual or prospective) relating to eggs or egg products, including imported eggs and imported egg products; and
  - (ii) activities ancillary to the production of eggs, being activities comprised in the hatching or rearing of domestic fowls or the disposal of domestic fowls at end of lay ; and
- (b) subject to section 21 of this Act, publish or disseminate any such information or estimates, and any other information compiled, or estimates prepared, in the course of the performance of their functions under this Part of this Act;

and in publishing or disseminating any such information or estimates the Authority may include recommendations as to prices (other than retail prices) which would in their opinion be appropriate in selling eggs otherwise than by retail having regard to any prices specified in the information or estimates.

(2) If the Authority consider it desirable for the purpose of their functions under subsection (1) of this section, they may prepare and submit to the Ministers a scheme for requiring persons of such classes as may be specified in the scheme who are engaged by way of business in activities comprised in the production, marketing or distribution of eggs or egg products, or in activities ancillary to the production of

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eggs and comprised in the hatching or rearing of domestic fowls, to register with the Authority in accordance with the requirements of the scheme and to comply with any requirements in the scheme regarding the supply to the Authority of information as to the quantities and prices of eggs purchased by those persons from producers or sold by those persons otherwise than by retail, as to the numbers of domestic fowls hatched, reared or disposed of at end of lay by those persons in the course of activities ancillary to the production of eggs, and as to the prices at which any such fowls have been sold by those persons, and any such scheme may—

- (a) vary or revoke any scheme previously brought into force under this subsection; and
- (b) contain such supplemental, incidental or transitional provisions as appear to the Authority to be expedient, including in particular provision—
  - (i) conferring exemptions from requirements of the scheme;
  - (ii) for persons contravening or failing to comply with the requirements of the scheme to be guilty of an offence against the scheme ; and
  - (iii) for a person guilty of such an offence to be liable on summary conviction to a fine not exceeding a specified amount, being an amount not exceeding £100;

and if the Ministers are satisfied that it is desirable that any such scheme submitted to them should be brought into force, they may bring it into force by order.

- (3) The Ministers may by order revoke any scheme brought into force under subsection (2) of this section if it appears to them, after consultation with the Authority, that the scheme is not serving the purposes for which it was made or that the continued operation of the scheme would be contrary to the public interest; and any such order may contain such supplemental, incidental or transitional provisions as appear to the Ministers to be expedient.
- (4) Any order under subsection (2) or (3) of this section may revoke any order previously made under the said subsection (2).

## **5 Functions of Authority as to research and development**

The Authority may engage in the promotion or carrying out of—

- (a) investigations or research into any matters affecting the marketing, storage or distribution of eggs or egg products or the processing of eggs ;
- (b) research into the demand for eggs or egg products and into matters connected therewith, including the collection and analysis of information as to that demand and as to the prices paid for eggs or egg products, including imported eggs and imported egg products, and the effect of price changes on the level of supplies;
- (c) the dissemination or demonstration of "the results of any investigation or research into any such matter as aforesaid, whether or not the Authority have exercised any functions under paragraph (a) or (b) of this section with respect to that investigation or research ;

and the Authority may engage in any form of collaboration or co-operation with other persons in performing any of their functions under this section, and shall enter into such consultations with other authorities and persons as appear to the Authority to be required to ensure that duplication of such research or investigations as aforesaid is avoided so far as practicable.

## **6 Functions of Authority as to quality control**

- (1) The Authority may prepare and submit to the Ministers schemes with respect to the quality testing or weight grading of eggs for sale by wholesale, and any such scheme may in particular—
- (a) specify the class or classes of persons to whom the requirements of the scheme are to apply;
  - (b) provide for the registration of such persons with the Authority;
  - (c) specify quality standards or weight grades and assign designations to those standards or grades;
  - (d) provide for eggs for sale otherwise than by retail or any containers in which eggs are packed for such sale to be marked with the appropriate quality or weight designation, with or without an indication of the date on which the eggs were packed after being tested or graded;
  - (e) vary or revoke any scheme previously brought into force under this subsection ;
  - (f) contain such supplemental, incidental or transitional provisions as appear to the Authority to be expedient, including in particular provision—
    - (i) conferring exemptions from requirements of the scheme;
    - (ii) for persons contravening or failing to comply with requirements of the scheme to be guilty of an offence against the scheme ;
    - (iii) as to the circumstances in which warranty or other matters are to be a defence for a person charged with such an offence ;
    - (iv) for a person guilty of such an offence to be liable on summary conviction to a fine not exceeding a specified amount, being an amount not exceeding £100 or, in the case of a second or subsequent offence, £200;
    - (v) conferring powers of entry for the purposes of the scheme on authorised officers;
- and if the Ministers are satisfied that it is desirable that any such scheme submitted to them should be brought into force, they may bring it into force by order.
- (2) The Ministers may by order revoke any scheme brought into force under subsection (1) of this section if it appears to them, after consultation with the Authority, that the scheme is not serving the purposes for which it was made or that the continued operation of the scheme would be contrary to the public interest; and any such order may contain such supplemental, incidental or transitional provisions as appear to the Ministers to be expedient.
- (3) Any order under subsection (1) or (2) of this section may revoke any order previously made under the said subsection (1).
- (4) In section 2(4) of the Trade Descriptions Act 1968 (which provides that certain descriptions or marks shall be deemed not to be trade descriptions for the purposes of that Act), the word " and " in the last place where it occurs shall be omitted and at the end there shall be added the words " and any designation, mark or description applied in pursuance of a scheme brought into force under section 6(1) or an order made under section 25(1) of the Agriculture Act 1970 ".

## **7 Other functions of Authority as to improvement of marketing of eggs**

- (1) The Authority—

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- (a) may devise and disseminate, or otherwise encourage the adoption of, new, improved or standardised arrangements for, or procedures or forms for use in connection with, the production, marketing or preparation for marketing of eggs ;
  - (b) if it appears to them that a scheme with respect to any matter would improve the marketing of eggs, whether by the improvement of quality standards or otherwise, may prepare such a scheme and bring it into operation for any persons prepared to take part in it;
  - (c) may give advice and information to the Central Council for Agricultural and Horticultural Co-operation—
    - (i) on matters relating to the commercial and technical aspects of the marketing of eggs ; and
    - (ii) for the purpose of assisting the Council in deciding whether to make grants in aid of co-operative activities in the marketing of eggs.
- (2) The Ministers may, after consultation with the Secretary of State for Employment and Productivity, direct that any agreement specified in the direction, being an agreement submitted to them in draft into which the Authority propose to enter in connection with a scheme made by virtue of subsection (1)(b) of this section, shall be an agreement to which Part I of the Restrictive Trade Practices Act 1956 does not apply.

## **8 Functions of Authority as to advertising etc.**

The Authority may—

- (a) for the purpose of promoting the sale of eggs, engage in advertising or other methods of promoting such sales;
- (b) assist in co-ordinating any advertising campaigns undertaken by or on behalf of any class of persons engaged in the production, marketing or distribution of eggs or the sale of eggs by retail.

## **9 Conferment of additional functions on Authority**

- (1) If it appears to the Ministers, after consultation with the Authority, that for the purpose of improving the marketing of eggs it is expedient for the Authority to perform any functions additional to those conferred by the foregoing provisions of this Part of this Act, and that those additional functions neither—
- (a) consist wholly or in part of the buying or selling of eggs or egg products except in so far as such buying or selling may be requisite for the purposes of research or other experimental work or for purposes of demonstration; nor
  - (b) are similar in character to functions conferred on the Authority by section 8 of this Act,
- then, subject to subsection (2) of this section, the Ministers may, if they think fit, confer those additional functions on the Authority for that purpose by order; and any order under this subsection may be varied or revoked by a subsequent order thereunder.
- (2) An order under subsection (1) of this section, other than an order in the case of which—
- (a) so far as it confers additional functions on the Authority otherwise than by varying a previous order, the Ministers certify that, in their opinion, all the additional functions so conferred are similar in character to functions conferred on the Authority by sections 4 to 7 of this Act; or

- (b) so far as it varies a previous order, the Ministers certify that, in their opinion, all the functions conferred by the original order as it will have effect in consequence of the varying order will be functions similar in character as aforesaid; or
- (c) so far as it revokes any previous order without itself conferring any functions on the Authority, a certificate under this section was given under the previous order,

shall not be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

## **10 Functions of Authority to include power to make certain payments to other persons**

The functions conferred on the Authority by or under any of sections 3 to 9 of this Act shall include power for the Authority—

- (a) to make payments to any person for the purpose of promoting, procuring or facilitating the attainment of the objects of the functions conferred on the Authority by or under that section; or
- (b) to make provision for reimbursing any person, whether by making payments to him or by deduction from amounts which would otherwise fall to be paid by him to the Authority, for expenditure incurred by him in assisting the Authority in the performance of any of the functions conferred on the Authority by or under that section;

and any amount so paid or deducted shall be treated for the purpose of this Part of this Act as expenditure incurred by the Authority under, and for the purposes of the functions conferred on them by or under, that section.

## **11 Functions of Authority in connection with guaranteed prices**

- (1) As respects any period beginning on or after 28th March 1971 and ending not later than 30th March 1974, it shall be the duty of the Authority to carry out such functions as the Ministers may confer on the Authority in connection with any arrangements in force during that period by virtue of an order under section 1 or 5 of the Agriculture Act 1957 with respect to eggs and duck eggs, but not including any functions conferred on the Ministers or any of them by or under an Act of Parliament other than functions which the Ministers may delegate under section 9(4) of the said Act of 1957 or any other enactment.
- (2) So far as relates to eggs and duck eggs, in subsection (1)(d) of the said section 5 (which relates to powers of entry in connection with such arrangements as aforesaid) references to authorised officers of the Minister shall include references to authorised officers of the Authority.
- (3) Any information obtained by the Ministers or any of them in the administration of any such order as aforesaid may, for the purpose of assisting the Authority in the performance of their functions under this section, be disclosed to any person who is either an independent member of the Authority or an authorised officer of the Authority, and any such disclosure shall not be treated as a breach of contract, trust or confidence.

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*Financial provisions as to Eggs Authority*

**12 Contributions, etc. by Minister**

- (1) The Minister may, with the consent of the Treasury, make to the Authority—
  - (a) contributions towards expenditure incurred or to be incurred by the Authority for the purposes of any functions conferred on them by or under any of the following provisions of this Act, namely, sections 2, 4 to 7 and 9 and Schedule 1 ;
  - (b) payments of such sums as the Minister may, with the approval of the Treasury, determine towards meeting any expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Authority in performing any functions in pursuance of section 11 of this Act.
- (2) Any contributions or other payments made to the Authority under subsection (1) of this section may be made subject to any conditions regulating or restricting the functions of the Authority, imposing requirements as to the inspection of accounts or records, or relating to other matters, which the Minister may specify; and the Minister may recover the whole or any part of any such contribution or other payment which is made subject to a condition if that condition is not complied with.

**13 Provision for levy**

- (1) Before the beginning of each accounting period the Authority shall prepare and submit to the Ministers an estimate of the amounts, if any, required to be raised by levy for that accounting period for the purposes of the following functions respectively of the Authority under this Part of this Act, namely, subject to the provisions of section 10 of this Act—
  - (a) functions conferred by or under any provision of this Part of this Act other than section 3, 8 or 11 or paragraph (b) or (c) of section 17(1);
  - (b) functions under the said section 3 or paragraph (b) of the said section 17(1);
  - (c) functions under the said section 8 or paragraph (c) of the said section 17(1).
- (2) As soon as practicable after the submission to the Ministers of estimates for any accounting period under subsection (1) of this section, the Ministers shall—
  - (a) determine the respective amounts, if any, to be raised by levy for that accounting period for the purposes of the functions referred to in paragraphs (a), (b) and (c) respectively of that subsection; and
  - (b) make an order for that accounting period specifying such rate of levy as appears to the Ministers to be sufficient (but not more than sufficient) to meet the aggregate of the amounts so determined.
- (3) If at any time during an accounting period for which an order has been made under subsection (2)(b) of this section it appears to the Authority that the amount determined by the Ministers under subsection (2)(a) of this section as the amount to be raised by levy for that accounting period for the purposes of the functions referred to in paragraph (a), (b) or (c), as the case may be, of subsection (1) of this section will fall short of the amount required to be so raised for that accounting period, the Authority may prepare and submit to the Ministers an estimate of the amount of the deficiency, and as soon as practicable after the submission to the Ministers of one or more estimates for any accounting period under this subsection the Ministers shall—



- (a) determine what additional amount, if any, is to be raised by levy for that accounting period for the purposes of the functions referred to in the said paragraph (a), (b) or (c), as the case may be ; and
- (b) make an order for that accounting period specifying as respects such part of that accounting period as falls after such date as may be specified in the order such rate of additional levy as appears to the Ministers to be sufficient (but not more than sufficient) to meet the amount or, as the case may be, the aggregate of the amounts determined under paragraph (a) of this subsection;

and where an order is made under this subsection the provisions of sections 15 and 16 of this Act shall have effect in relation to the part of that accounting period falling after the date so specified as if any reference in those provisions to the rate specified in the order for that accounting period made under subsection (2)(b) of this section were a reference to the aggregate of that rate and the rate of additional levy specified in the order under paragraph (b) of this subsection.

- (4) Before determining any amount under subsection (2)(a) or (3)(a) of this section as one to be raised for an accounting period the levy for which is, by virtue of section 14 of this Act, to be imposed in accordance with section 16(7) of this Act, the Ministers shall consult with such organisations appearing to them to represent the interests of producers as the Ministers consider appropriate, and, if the levy will or may be imposed on persons other than producers, with such other organisations as the Ministers consider appropriate having regard to that fact.
- (5) Where under subsection (2)(a) or (3)(a) of this section the Ministers determine that an amount is to be raised by levy for the purposes of the functions referred to in two or all of paragraphs (a), (b) and (c) of subsection (1) of this section, any order under subsection (2)(b) or (3)(b) of this section specifying the rate of the levy shall indicate how much of that rate is attributable to functions referred to in each respectively of those paragraphs.
- (6) The rate of levy specified in any order under this section may be expressed either by reference to numbers of eggs or by reference to numbers of domestic fowl or partly in the one way and partly in the other; and the order shall include provision as to the manner of determining any such numbers for the purposes of the levy which, in the case of a levy to be imposed in accordance with a scheme under section 16 of this Act, may be made by reference to the provisions of that scheme.
- (7) For the purposes of a levy, any sums paid by the Authority (whether by way of remuneration or otherwise) to or in respect of officers or servants of the Authority employed wholly or mainly in connection with functions referred to in paragraph (b) or (c) of subsection (1) of (this section and an appropriate proportion of overheads and other fixed and general expenses of the Authority (including an appropriate proportion of any sums paid as aforesaid in respect of other officers or servants of the Authority) shall be taken to be expenditure incurred for the purposes of those functions and not for the purposes of functions referred to in paragraph (a) of that subsection.

## **14 Method of raising levy**

- (1) Any levy imposed for the purposes of this Part of this Act for the accounting period beginning with 28th March 1971. and ending with 1st April 1972 shall be imposed in accordance with section 15 of this Act.

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- (2) Subject to subsection (3) of this section, any levy imposed for the purposes of this Part of this Act for any subsequent accounting period shall be imposed in accordance with section 16(7) of this Act.
- (3) If any accounting period beginning on or after 2nd April 1972, and ending with a date not later than 30th March 1974 is the same as a guarantee period prescribed by an order under section 1 of the Agriculture Act 1957 with respect to eggs and duck eggs, then, notwithstanding subsection (2) of this section, any levy imposed for the purposes of this Part of this Act for that accounting period shall be imposed in accordance with section 15 of this Act unless before the beginning of that accounting period the Authority by resolution determine that any said levy shall be imposed in accordance with section 16(7) of this Act; and where such a resolution is passed by the Authority they shall publish notice of it in the London, Edinburgh and Belfast Gazettes.
- (4) Where in the case of any accounting period, any levy for the purposes of this Part of this Act for that accounting period is to be imposed in accordance with section 16(7) of this Act and either—
- (a) no scheme under the said section 16 is for the time being in force ; or
  - (b) the Authority intend that the scheme for the time being in force under that section shall be varied for the purposes of that accounting period,
- the Authority shall submit such a scheme or, as the case may be, a further scheme varying the existing scheme to the Ministers before the beginning of that accounting period and shall publish notice of the submission of that scheme or further scheme in the London, Edinburgh and Belfast Gazettes.

## **15 Levy by deduction**

- (1) Where for any accounting period a levy is by virtue of section 14 of this Act to be imposed in accordance with this section, that levy—
- (a) shall be imposed on all persons to or in respect of whom, as being producers of eggs, a payment would apart from this section fall to be made in respect of that accounting period in pursuance of an order under section 1 of the Agriculture Act 1957; and
  - (b) shall be so imposed at the rate specified in the order for that accounting period made under subsection (2)(b), and in accordance with any provisions contained in that order by virtue of subsection (6), of section 13 of this Act.
- (2) In the case of each such person as aforesaid the amount of the levy which by virtue of this section is imposed on him for any accounting period shall be deducted from the payment, or, if more than one, from the aggregate of the payments, which would apart from this section fall to be made as aforesaid to or in respect of him, and the payment or payments shall be reduced accordingly.
- (3) The Minister shall pay to the Authority any amounts deducted in pursuance of subsection (2) of this section.
- (4) The reference in subsection (2) of this section to deducting an amount from a payment shall, when the amount in question is equal to the payment, be construed as including a reference to setting off the amount against the payment so as to extinguish any claim to the payment, and the reference to reducing a payment shall be construed accordingly.
- (5) References in this section to payments falling to be made as mentioned in subsection (1) thereof include references to a payment in advance on account of any

payment so falling to be made; and references to payments in respect of a person as being a producer of eggs are references to payments which, apart from this section, would be paid to a person other than that producer—

- (a) for transmission to that producer; or
- (b) as being a person to whom the interest of that producer in the payment has passed.

## **16 Levy by scheme**

- (1) The Authority may prepare and submit to the Ministers a scheme for imposing in such circumstances and subject to such exemptions, and for recovering in such manner otherwise than in accordance with section 15 of this Act, as may be specified in the scheme a levy for the purposes of this Part of this Act on such persons as may be so specified, being persons engaged in the production, marketing or distribution of eggs, in the hatching or rearing of domestic fowls, in the bringing (otherwise than only as carriers) of live domestic fowls into Great Britain or Northern Ireland from outside those areas, or in the distribution within those areas of live domestic fowls so brought.
- (2) So far as is necessary for determining the liability of persons to any levy which is to be imposed for an accounting period in accordance with a scheme under this section, such a scheme may confer on the Authority power as from such date as may be specified in the scheme, which may be a date before the beginning of that accounting period, to require persons engaged as aforesaid of such descriptions as may be so specified—
  - (a) to be registered in a register kept for the purpose by the Authority;
  - (b) to furnish returns and other information, and to produce for examination on behalf of the Authority books and other documents in their custody or under their control;
  - (c) to keep records and to produce them for examination on behalf of the Authority;
  - (d) to permit authorised officers to enter at all reasonable times upon any land or premises used by way of business for the production, marketing or distribution of eggs or the hatching or rearing of domestic fowls and to inspect any eggs or domestic fowls found on those premises.
- (3) A scheme under this section which provides for imposing a levy on a person engaged in the hatching or rearing of domestic fowls for resale, on a person engaged in bringing live domestic fowls as mentioned in subsection (1) of this section for resale or in the distribution for resale of live domestic fowls so brought, or on a person purchasing eggs for resale from a producer, may make provision for enabling any such person—
  - (a) to recover the amount of the levy imposed on him from the person to whom he sells any of the domestic fowls so hatched, reared, brought or distributed by him, or from whom he purchases the eggs, as the case may be;
  - (b) to deduct from the amount otherwise payable by him by way of the levy, or to be otherwise reimbursed by the Authority, a sum calculated in such manner as the Authority may determine in respect of any expenses incurred by him in so recovering that amount.
- (4) Any scheme under this section may be varied or revoked by a subsequent scheme thereunder.
- (5) A scheme under this section shall not have effect unless it is approved by the Ministers by order; and any such order may approve the scheme with or without modifications, and may be revoked by a subsequent order whether the subsequent order is made for

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the purpose of approving another scheme under this section or not; and an order under this subsection shall be of no effect unless it is approved by a resolution of each House of Parliament.

- (6) Any person who fails to comply with a requirement imposed by or under a scheme by virtue of subsection (2) of this section shall be liable on summary conviction to a fine not exceeding £100 ; and any person who—
- (a) in furnishing any information for the purposes of a scheme under this section, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular; or
  - (b) wilfully makes a false entry in any document which is required to be produced in pursuance of any such scheme,
- shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.
- (7) Where for any accounting period a levy is, by virtue of section 14 of this Act, to be imposed in accordance with this subsection, a levy for that accounting period shall be imposed at the rate specified in the order for that accounting period made under subsection (2)(b), and in accordance with any provisions contained in that order by virtue of subsection (6), of section 13 of this Act on the persons made liable to that levy by, and in accordance with the provisions of, any scheme for the time being in force under this section.
- (8) If the Ministry of Agriculture for Northern Ireland discharge on behalf of the Authority any functions of the Authority in connection with a levy under this section, the Ministry may deduct from any amount collected by the Ministry by way of the levy, or shall otherwise be reimbursed by the Authority for, any expenditure incurred by the Ministry in discharging those functions.
- (9) Where a scheme under this section makes provision for imposing a levy on persons engaged in bringing live domestic fowls as mentioned in subsection (1) of this section, then, if the Authority so request at any time and the Commissioners of Customs and Excise are satisfied that the Authority require the information for the purpose of determining whether or not a person is liable to pay an amount by way of the levy and that the Authority will not use the information for any other purpose, the Commissioners may supply the Authority with such information in relation to any live poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) imported into Great Britain or Northern Ireland as may be requested by the Authority.

## **17 Reserve funds of Authority**

- (1) The Authority may establish and thereafter maintain—
- (a) a reserve fund for the purposes of any functions conferred on the Authority by or under any provision of this Part of this Act other than section 3, 8 or 11;
  - (b) a reserve fund for the purposes of their functions under the said section 3 ;
  - (c) a reserve fund for the purposes of their functions under the said section 8.
- (2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Authority which are not for the time being required for any other purpose, may be invested in accordance with subsection (3) of this section.
- (3) Sections 1, 2, 5, 6, 12 and 13 of the Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and

in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Authority were the trustees of that trust fund.

## **18 Borrowing powers of Authority**

- (1) Subject to the following provisions of this section, the Authority may borrow money and may pledge, mortgage or charge any of their property, including the proceeds of any levy under this Part of this Act.
- (2) The Ministers may by order made with the consent of the Treasury, direct that the aggregate amount outstanding in respect of the principal of any moneys borrowed by the Authority shall not at any time exceed such a sum as may be specified in the order; and, at any time while such an order is in force, that aggregate amount shall not exceed the sum so specified.
- (3) Any order under this section may be revoked by a subsequent order thereunder.
- (4) An order under this section shall not have effect unless it is approved by a resolution of each House of Parliament.

### *Supplementary provisions as to Eggs Authority*

## **19 Powers of Ministers with respect to Authority**

The Ministers, after consultation with the Authority, may give to the Authority such directions of a general character with respect to the performance of any functions of the Authority as appear to the Ministers to be requisite in the public interest; and it shall be the duty of the Authority to comply with any such directions.

## **20 Reports and accounts of Authority**

- (1) As soon as may be—
  - (a) after the end of the period beginning with the constitution of the Authority and ending with 27th March 1971; and
  - (b) after the end of each accounting period,the Authority shall prepare and submit to the Ministers a report on the discharge of their functions under this Part of this Act during that period- and the Ministers shall lay a copy of the report before each House of Parliament; and that report shall set out any direction given by the Ministers to the Authority under section 19 of this Act during that period.
- (2) The Authority shall keep proper accounts and shall prepare in respect of each such period as is referred to in subsection (1) of this section statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of the Authority for each such period shall be audited by auditors appointed for the purpose by the Authority ; and no person shall be so appointed who is not either a member, or a firm all the persons wherein are members, of one or more of the following bodies, namely—
  - The Institute of Chartered Accountants in England and Wales;
  - The Institute of Chartered Accountants of Scotland ;
  - The Association of Certified and Corporate Accountants;

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*Status: This is the original version (as it was originally enacted).*

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The Institute of Chartered Accountants in Ireland ;  
Any other body of accountants established in the United Kingdom for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade.

- (3) As soon as may be after the accounts of the Authority for any such period have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statements and report before each House of Parliament.
- (4) Copies of reports and statements of account prepared by the Authority under this section shall be made available to the public at a reasonable price.

## **21 Disclosure of information**

- (1) The furnishing of returns or other information with respect to any particular undertaking, or the production of books or other records of the undertaking, shall not be required in pursuance of any powers conferred by or under the preceding provisions of this Part of this Act except to, or as the case may be, for examination of those books or records by, an independent member of the Authority or an authorised officer.
- (2) Without prejudice to subsection (1) of this section, returns or other information furnished or obtained by any person in pursuance of a requirement made under a scheme for the time being in force under section 16 of this Act, and any other information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act, shall not be disclosed except—
  - (a) with the consent of the person by whom the information was furnished; or
  - (b) to an independent member of the Authority or an authorised officer; or
  - (c) to one or more of the Ministers, or to an officer or servant appointed by, or by one or more of, the Ministers, or to a person exercising functions on behalf of the Ministers or one or more of them ; or
  - (d) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it; or
  - (e) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of this Part of this Act.
- (3) Any person who discloses any information in contravention of this section shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.

## **22 Prosecution of offences**

- (1) No proceedings for an offence under the preceding provisions of this Part of this Act or against any scheme made thereunder shall be instituted in England or Wales except—
  - (a) by the Authority ; or
  - (b) by, or with the consent of, the Director of Public Prosecutions.
- (2) No proceedings for such an offence as aforesaid shall be instituted in Northern Ireland except—
  - (a) by the Authority; or

- (b) by, or with the consent of, the Attorney General for Northern Ireland.

*Provisions as to guaranteed prices and Egg Marketing Board*

**23 Amendments as to guaranteed prices**

The Agriculture Act 1957 shall have effect—

- (a) in respect of any period beginning on or after 28th March 1971, as if in Part II of Schedule 1 to that Act the words " Eggs (Hen and Duck in Shell)" were omitted;
- (b) in respect of any period beginning as aforesaid and ending not later than 30th March 1974, as if the words omitted as aforesaid were inserted at the end of Part I of that Schedule and as if the words " CROPS " and the words " LIVESTOCK AND LIVESTOCK PRODUCTS " were omitted from that Schedule ;
- (c) in respect of any period beginning on or after 31st March 1974, as if no order under section 1 of that Act with respect to eggs and duck eggs had been in force in respect of any period ending before that date;

but the said Act of 1957 and any instrument made thereunder shall continue to operate in relation to any period in respect of which paragraph (a), (b) or (c) of this section does not apply as if that paragraph had not been enacted.

**24 Revocation of scheme establishing British Egg Marketing Board**

- (1) The British Egg Marketing Scheme (Approval) Order 1956 and the scheme approved thereby (being the scheme establishing the British Egg Marketing Board) are hereby revoked as from 31st March 1971.
- (2) After the passing of this Act, nothing in the said scheme shall have effect so as to require the election of new members to the said Board; and the said Board may, by a resolution passed at any time before 31st March 1971, extend until the making of an order for the winding-up of the Board the term of office of any elected or co-opted member whose term would otherwise expire at the end of that day.
- (3) The Board aforesaid may at any time before a petition for the winding-up of the Board is presented pass a resolution providing for the disposal on the winding-up of the Board of any assets of the Board remaining after the discharge of the debts and liabilities of the Board and the payment of the costs, charges and expenses incurred in the winding-up, being provision either—
  - (a) for the transferring of those assets to a person or persons specified in the resolution for use by those persons for purposes so specified, being purposes which appear to the Board to be for the general benefit of persons engaged by way of business in the production of eggs ; or
  - (b) for the distribution of those assets among such of the persons registered as producers under the scheme aforesaid as may be specified in the resolution in such proportions as may be so specified,

and any such resolution may make different provision according to the amount of those assets to be disposed of; and where such resolution has been passed as aforesaid by the Board, then, notwithstanding anything in the Companies Act 1948, the assets remaining as aforesaid shall be disposed of in accordance with the resolution.

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*Status: This is the original version (as it was originally enacted).*

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### *Consumer protection*

## **25 Power to regulate retail sales of eggs**

(1) If the Ministers are satisfied, after consultation with the Authority and with such other organisations appearing to the Ministers to be representative of interests substantially affected as they consider appropriate, that it is desirable so to do in the interests of consumers of eggs, they may by order make provision for all or any of the following matters, namely—

- (a) requiring eggs to be sold by retail in accordance with such designations indicating such weight gradings or such standards of quality as may be prescribed by the order;
- (b) requiring any description under which eggs are sold, or offered or exposed for sale, by retail which gives an indication of the weight of the eggs to be such description indicating such grade by weight as may be so prescribed;
- (c) imposing requirements as to, or otherwise regulating, the marking or labelling of eggs sold, or offered or exposed for sale, by retail or any container in which eggs are packed for such sale ;

and any such order may vary or revoke any previous order under this section and may contain such supplemental, incidental or transitional provisions as appear to the Ministers to be expedient, including in particular—

- (i) provision conferring exemptions from requirements of the order;
- (ii) provision for persons contravening or failing to comply with requirements of the order to be guilty of an offence against the order ;
- (iii) provision as to the circumstances in which warranty or other matters are to be a defence for a person charged with such an offence ;
- (iv) provision, for the purpose of the enforcement of the order so far as it relates to weight, conferring on officers of, and duly authorised by, local weights and measures authorities powers of entry, of making test purchases and of requiring the production of books and other records;

and an order under this subsection may make in relation to imported eggs any provision which might be made in relation to eggs.

- (2) Any person guilty of an offence against an order under this section shall be liable on summary conviction to a fine not exceeding £100.
- (3) It shall be the duty of every local weights and measures authority to enforce within their area the provisions of any order under this section so far as those provisions relate to weight; and section 37 of the Weights and Measures Act 1963 (power of local authorities to combine) shall apply with respect to the functions of such authorities under this section as it applies with respect to their functions under that Act; but nothing in this subsection shall be taken as authorising such an authority in Scotland to institute proceedings for an offence.
- (4) In relation to indications of quality the reference in subsection (1)(c) of this section to labelling includes a reference to labelling by means of any mark, label, tag or ticket made on, attached to or displayed with eggs for sale by retail, and, without prejudice to the construction of the expression " label" in section 6 of the Food and Drugs Act 1955 or in section 6 of the Food and Drugs (Scotland) Act 1956 or elsewhere, that expression in either of the said sections 6 shall include any such mark, label, tag or ticket.



- (5) The provisions of any order under this section shall have effect notwithstanding anything in section 63(4) of the Weights and Measures Act 1963 but shall be without prejudice to any provision of the Food and Drugs Act 1955 or the Food and Drugs (Scotland) Act 1956 or any order or regulations for the time being in force under either of those Acts.
- (6) In this section the expression " the Ministers " means the Minister and the Secretary of State for Scotland acting jointly.
- (7) This section does not extend to Northern Ireland.

*Assistance in sea transport of eggs*

**26 Assistance for certain transport of eggs by sea**

As from 28th March 1971—

- (a) the Minister may pay into the Exchequer of Northern Ireland such sums as he may with the agreement of the Treasury determine for the purpose of enabling the Ministry of Agriculture for Northern Ireland to make payments to persons engaged in Northern Ireland in the marketing of eggs in respect of expenditure incurred by them in transporting eggs by sea from Northern Ireland to Great Britain ;
- (b) the Secretary of State may make such payments to persons engaged in the County of Orkney in the marketing of eggs in respect of expenditure incurred by them in transporting eggs by sea from that County to other parts of Great Britain as he may with the agreement of the Treasury think fit.

*General provision*

**27 Supplementary provisions as to schemes and orders under Part I**

- (1) Any scheme or order made under this Part of this Act may make different provision for different circumstances.
- (2) Any power to make an order or regulations conferred by this Part of this Act shall be exercisable by statutory instrument.
- (3) Any order under any of the following provisions of this Act namely, sections 4(2) and (3), 6(1) and (2), 13(2)(b) and (3)(b) and 25, and any order under section 9 of this Act to which subsection (2) of that section does not apply, shall be subject to annulment in pursuance of a resolution of either House of Parliament.